

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Stanley R. Chesler
v. : Crim. No. 10-633 (SRC)
ANIA NOWAK and : ORDER
ZBIGNIEW CICHY :
:

This matter having come before the Court at a status conference held on October 19, 2011 in the presence of Paul J. Fishman, United States Attorney for the District of New Jersey (by Matthew E. Beck, Assistant U.S. Attorney), defendant Ania Nowak (*pro se*), and defendant Zbigniew Cichy (Howard Brownstein, Esq., appearing), the Court hearing arguments of the parties, and it appearing that,

1. Defendant Ania Nowak has requested permission from the United States to testify before the grand jury that is considering a second superseding indictment in this matter and the United States has agreed to permit her testify; and

2. Defendant Nowak has begun her testimony but has not yet completed her testimony; and

3. The United States has stated that it will likely present a second superseding indictment for the grand jury's consideration by December 2011 at the latest; and

4. Defendant Nowak, who is appearing *pro se*, has stated that she needs approximately 90 days following the return of a second superseding indictment to prepare for trial; and

5. Defendant Cichy, through counsel, has stated that 90 days following the return of a second superseding indictment will provide sufficient time to prepare for trial; and

6. Following the return of a second superseding indictment, the United States will need to take handwriting exemplars from the defendants which they have consented to providing; and

7. All parties have indicated that a trial date in March 2012 will provide sufficient time to adequately prepare for trial; and

8. As a result of the foregoing, a continuance of this matter is necessary and the time from December 31, 2011 to March 13, 2012 is to be excluded in computing time under the Speedy Trial Act of 1974;

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

A. Defendant Nowak has requested the right to, and is in the middle of, testifying before the grand jury that is considering a second superseding indictment in this matter;

B. Defendant Nowak and defendant Cichy's counsel have indicated that they need approximately 90 days following the return of any second superseding indictment to adequately prepare for trial; and

C. This case is sufficiently complex, due to the nature of the prosecution, that it is unreasonable to expect


adequate preparation for pretrial proceedings and trial within the time limits established by Title 18, United States Code, Section 3161; and

D. The ends of justice served by granting the continuance of the trial date in this matter until March 13, 2012, outweigh the best interests of the public and the defendants in a speedy trial.

WHEREFORE, on this 21 day of October, 2011,

IT IS ORDERED that the trial date in this matter is set for March 13, 2012 at 10:00 A.M.; and

IT IS FURTHER ORDERED that the period from December 31, 2011 through March 13, 2012 shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Sections 3161(h)(1)(B) & (h)(7)(A).



HON. STANLEY R. CHESLER
United States District Judge